

Exhibit 22

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 WACO DIVISION

4 XR COMMUNICATIONS, LLC, §
5 dba VIVATO TECHNOLOGIES, §
6 Plaintiff, § CIVIL NO.
7 VS. § 6:21-cv-00623-ADA
8 CISCO SYSTEMS, INC., and §
9 MERAKI LLC, §
10 Defendant, §
11 §
12 §
13 §
14 §
15 §
16 §

11 *****

12 ORAL, VIDEOTAPED, AND ZOOM DEPOSITION OF
13 CARL SCHWEDLER
14 DECEMBER 5, 2022

15 *****

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17 The Oral, Videotaped, and Zoom Deposition
18 of CARL SCHWEDLER, produced as a witness at the instance
19 of the defendants, and duly sworn, was taken in the
20 above-styled and numbered cause on DECEMBER 5, 2022,
21 from 7:39 a.m. to 9:55 a.m., before Nicole A. Hatler,
22 CSR No. 11275 in and for the State of Texas, reported by
23 machine shorthand, in their respective locations via
24 Zoom, pursuant to the Texas Rules of Civil Procedure,
25 the Current Emergency Order Regarding the COVID-19 State

1 Q. I'm presuming you're referring to the patent
2 office prosecution files?

3 A. Right.

4 Q. Okay. I just wanted to -- were there separate
5 files you kept outside of the prosecution files?

6 A. No. If there are other files, I didn't see
7 them. You mean, like, general files and --

8 Q. Well, I was just going off of your answer.
9 We're -- you were making clear that if something was in
10 a file --

11 A. A prosecution file, yeah.

12 Q. I just wanted to make sure I knew what files
13 you were talking about.

14 MR. BREMER: Okay. I don't think I have
15 any further questions right now. I don't know if any
16 other defendants' attorneys have any questions.

17 MR. DOWNING: This is John Downing for
18 ASUSTeK. I don't have any questions.

19 MR. CRUZEN: This is Rob Cruzen for Eero
20 and Amazon entities, I have no further questions.

21 MS. MCCARTE: Kathleen McCarte for Samsung
22 defendants, no further questions.

23 MR. WANG: If there are no -- no other
24 defendants questions, I do have a few, but my first
25 question, Mr. Schwedler, is would you like a short break

1 before we continue? Five minutes?

2 THE WITNESS: Yeah. Five minutes would be
3 good. Sure.

4 MR. WANG: Okay. Let's go off the record.

5 THE VIDEOGRAPHER: Okay. The time is
6 9:17 a.m. We're off the record.

7 (A recess was held from 9:17 a.m. until 9:30 a.m.)

8 THE VIDEOGRAPHER: The time is 9:30 a.m.
9 We're back on the record.

10 MS. HARTJES: And I will just add for the
11 record that, if one defendant objects, all defendants
12 are considered to have joined that objection.

13 THE WITNESS: Okay.

14 MR. WANG: Plaintiff XR agrees, as
15 discussed during the break.

16 Q. EXAMINATION BY MR. WANG: Welcome back,
17 Mr. Schwedler. Thank you for taking the time to speak
18 with us today.

19 Earlier this morning, do you recall being
20 asked about your first deposition in the Central
21 District of California cases?

22 A. Yes.

23 Q. And -- and you testified that that was your
24 best and truthful testimony, correct?

25 A. Yes.

1 Q. And you stand by the testimony that you gave
2 during that deposition, correct?

3 A. Yes.

4 Q. Do you recall that, in that deposition, you
5 testified that, when you submitted the petition for
6 revival, they were based on the best information you had
7 at the time?

8 A. Yes.

9 Q. And do you stand by that testimony?

10 A. Yes.

11 Q. Do you recall that, in that deposition, you
12 testified that, at the time that you submitted the
13 petitions for revival, they were, quote, certainly based
14 on a reasonable investigation into what you needed to
15 know to make the representations in those papers?

16 MR. BREMER: Object to form as leading.

17 Q. BY MR. WANG: You can answer, Mr. Schwedler.

18 A. Yes.

19 Q. Do you recall that testimony?

20 A. Yes.

21 Q. Do you recall that, in your earlier deposition,
22 you testified that you recalled making a determination
23 that the delays were unintentional based on, quote,
24 Investigating the relationship of the application, the
25 entities of who owned what when, end quote?

1 MR. BREMER: Objection to form.

2 THE WITNESS: Yes.

3 Q. BY MR. WANG: And do you stand by that
4 testimony?

5 A. Yes.

6 Q. Do you recall, in your earlier deposition, you
7 testified that, in your investigation, you recalled
8 there being financial difficulties or a bankruptcy with
9 the prior assignees and that that was, quote, The kind
10 of information you would have elicited, end quote?

11 A. Yes.

12 MR. BREMER: Objection to form.

13 Q. BY MR. WANG: And do you stand by that
14 testimony?

15 A. Yes.

16 Q. Do you recall, in your earlier deposition, you
17 testified that, as part of your investigation, you would
18 have reviewed the prosecution histories and, quote,
19 Would have done some outside research, at least, end
20 quote?

21 MR. BREMER: Same objection to form.

22 THE WITNESS: Yes. That would be my
23 practice.

24 Q. BY MR. WANG: And do you stand by that
25 testimony?

1 A. Yes, that would be my practice.

2 Q. Do you recall that, in your earlier deposition,
3 you testified that, when you were preparing the revival
4 petitions, if you needed more information about the
5 applications or for the revival petitions, quote,
6 Anything relevant would have been communicated through
7 the managing partner of the case who is your colleague
8 at Bullivant?

9 Do you recall that?

10 A. Yes.

11 MR. BREMER: Objection to form.

12 Q. BY MR. WANG: Do you stand by that testimony?

13 A. Yes.

14 Q. Do you recall, in your earlier deposition, you
15 testified that you would have received factual
16 information from your colleague at Bullivant but made
17 your own conclusions about prosecution practice?

18 MR. BREMER: Objection to form.

19 THE WITNESS: Yes.

20 Q. BY MR. WANG: Do you stand by that testimony?

21 A. Yes.

22 Q. In the course of working on the prosecutions
23 we've talked about today and submitting the revivals for
24 petition, did anyone pressure you to make those
25 statements to the patent office?

1 MR. BREMER: Objection to form.

2 THE WITNESS: No, no.

3 Q. BY MR. WANG: Did anyone pressure you to
4 mislead or deceive the patent office?

5 A. No.

6 MR. BREMER: Same objection.

7 Q. BY MR. WANG: Did anyone pressure you to fail
8 to conduct a reasonable investigation?

9 A. No.

10 MR. BREMER: Objection to form.

11 Q. BY MR. WANG: In your work on the prosecution
12 of the applications and submitting revival petitions,
13 did you have any motive to deceive or mislead the patent
14 office?

15 A. No.

16 Q. In your work on the prosecution of the
17 applications and submitting the revival petitions, did
18 you have any motive to violate your duty of reasonable
19 investigation?

20 A. No.

21 Q. Mr. Schwedler, I want to ask a little bit about
22 your background.

23 I believe in your earlier deposition, you
24 testified that you started practicing prosecution in the
25 1990s; is that correct?

1 A. Yes.

2 Q. Do you -- do you recall when you first became a
3 member of the patent bar or started working on
4 prosecution?

5 A. Early '90s, 1993 maybe. '92, '93.

6 Q. The 1992 to 1993 time frame?

7 A. Yeah. Somewhere in there.

8 Q. And you -- you testified in your earlier
9 deposition that you've never been found to have
10 committed inequitable conduct before the patent and
11 trademark office; is that correct?

12 A. Yes, that is my understanding.

13 Q. And I also believe Mr. Schwedler, you testified
14 that you had to stop practicing law because of
15 Parkinson's Disease --

16 A. Yes.

17 Q. -- is that correct?

18 A. Yes.

19 Q. And that was in around 2015, correct?

20 A. Yeah. Probably. I mean, it's difficult --
21 it's difficult to tell when it kicks in. It's --
22 diagnosis isn't the start of it. I think that's when I
23 was diagnosed.

24 Q. I think, in your earlier deposition, you
25 testified that around 2013, your Parkinson's Disease

1 on all parties and/or the witness shown herein on
2 _____;

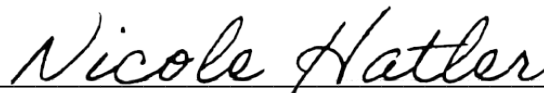
3 I further certify that pursuant to FRCP Rule
4 30(f)(1) that the signature of the deponent:

5 ___X___ was requested by the deponent or a part
6 before the completion of the deposition and that the
7 signature is to be before any notary public and returned
8 within 30 days from the date of receipt of the
9 transcript. If returned, the attached Changes and
10 Signature Page contains any changes and the reasons
11 therefore:

12 _____ was not requested by the deponent or a
13 part before the completion of the deposition.

14 I further certify I am neither counsel for,
15 related to, nor employed by any of the parties or
16 attorneys in the action in which this proceeding was
17 taken, and further that I am not financially or
18 otherwise interested in the outcome of the action.

19 Certified to by me this 8th day of December,
20 2022.

21
22
23 

24 Nicole A. Hatler, Texas CSR 11275
25 Expiration Date: 11/30/22
NHatler@Ymail.com